

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

v.

Cr. No. 07- -01-

JASON GERHARD

INDICTMENT

THE GRAND JURY CHARGES:

BACKGROUND

1. On or about January 18, 2007, the last day of a trial that started on January 9, a jury returned verdicts convicting Edward Brown and Elaine Brown of, among other offenses, conspiracy and a number of federal tax crimes.

2. The jury returned its verdict against Edward Brown in his absence. After the third day of evidence, January 11, 2007, Edward Brown returned to his and Elaine Brown's joint residence in Plainfield, N.H., and never came back to court. On January 12, 2007, a federal warrant was issued for Edward Brown's arrest based upon his failure to appear for the completion of his trial.

3. Elaine Brown also failed to appear for what was to be the fourth day of evidence but, after a brief continuance of the proceedings, she returned for the remainder of the trial. Shortly thereafter, however, she was charged with violating conditions of her release pending sentencing by removing an electronic monitoring ankle bracelet and returning to her residence where Ed Brown remained. A federal warrant was issued for her arrest.

4. On April 24, 2007, Edward Brown and Elaine Brown were each sentenced to sixty-three (63) months in prison. Neither Edward Brown nor Elaine Brown appeared for the sentencing proceeding and the sentences against them were imposed in their absence.

5. While the Browns have been fugitives, officers of the United States Marshals Service have made efforts to arrest them. During the same period of time, the Browns have remained inside the boundaries of the property on which their home in Plainfield, New Hampshire is located, and they have publicly stated their intention to forcibly resist any effort to arrest them.

COUNT ONE
(Conspiracy To Impede Officer of the United States
18 U.S.C. § 372)

6. The allegations of paragraphs 1 through 5 of this Indictment are re-alleged and incorporated as if set forth in full herein.

7. From in and around January 2007, through in and around August 2007, in the District of New Hampshire and elsewhere, the defendant,

JASON GERHARD,

knowingly conspired and agreed with other individuals, both known and unknown to the grand jury, to impede employees of the United States Marshals Service, officers of the United States, in the discharge of their official duties, to wit: arresting Edward Brown

and Elaine Brown, in violation of Title 18, United States Code, Section 372.

Purpose of the Conspiracy

8. The purpose of the conspiracy was to prevent the United States Marshals Service from arresting Edward Brown and Elaine Brown.

Manner and Means of the Conspiracy

9. The manner and means by which **GERHARD** and the other people with whom he conspired sought to accomplish the object of the conspiracy included, among others, temporarily residing in the Browns' home, purchasing firearms, bringing the firearms to the Browns' home and publicly announcing their intention to forcibly resist efforts by the United States Marshals Service to arrest Edward Brown and Elaine Brown.

Overt Acts

10. In furtherance of the conspiracy, **GERHARD** and the other people with whom he conspired, committed and caused the following over acts to be committed in the District of New Hampshire, and elsewhere:

a. On different occasions between in and around May 2007, and in and around August 2007, **GERHARD**, who is a resident of Brookhaven, New York, "**Co-conspirator A**," who is a resident of Alice Texas, and "**Co-conspirator B**," who is a resident of Cohoes, New York, temporarily resided in

the Browns' home, to assist Edward Brown and Elaine Brown in surveillance designed to detect the presence of law enforcement officers who might try to arrest them, and to forcibly resisting any such attempt to arrest them;

b. On different occasions between in and around May 2007, and in and around August 2007, **GERHARD** has publicly declared his intention to forcibly resist any effort by the United States Marshals Service to arrest Edward Brown and Elaine Brown;

c. On different occasions between in and around May 2007, and in and around August 2007, **Co-conspirator A** has publicly declared his intention to forcibly resist any effort by the United States Marshals Service to arrest Edward Brown and Elaine Brown;

d. On different occasions between in and around May 2007, and in and around August 2007, **Co-conspirator B** has publicly declared his intention to forcibly resist any effort by the United States Marshals Service to arrest Edward Brown and Elaine Brown;

e. On or about January 21, 2007, **GERHARD** accepted delivery of Bushmaster rifle from a firearms dealer in Alstead, New Hampshire;

f. On or about April 2, 2007, **GERHARD** purchased a M44 rifle from the firearms dealer in Alstead, New Hampshire;

g. On or about May 23, 2007, **Co-Conspirator A** purchased a high-powered Serbu .50 rifle from a firearms dealer in Newport, New Hampshire;

h. On or about May 23, 2007, **Co-conspirator B** purchased another high-powered Serbu rifle from the firearms dealer in Newport, New Hampshire;

i. In and around June 2007, **Co-Conspirator B** delivered a number of fire extinguishers to the Browns home because Edward Brown said that he (Edward Brown) believed that federal law enforcement officers would set fire to the Browns' home;

j. In and around June 2007, **Co-Conspirator B** brought a shot gun into the Brown's home;

k. In and around June 2007, **Co-Conspirator B** installed motion detector lights on the Browns' property;

l. In and around June 2007, **GERHARD** attempted to cause firearms accessories he purchased from a firearms dealer in Maryland to be delivered to the Browns' home;

m. In and around July 2007, **GERHARD, Co-conspirator A** and another person posed for a photograph with Edward Brown. The photograph was posted to an account on a social networking internet site, myspace.com. The

account was registered to **GERHARD**. In the photograph, **GERHARD** and **Co-conspirator A** possess rifles;

n. On or about July 20, 2007, **GERHARD** purchased two (2) Ruger rifles from the firearms dealer in Alstead, New Hampshire;

o. On or about July 25, 2007, **GERHARD** purchased a high-powered Serbu .50 rifle from the firearms dealer in Alstead, New Hampshire; and,

p. On or about July 31, 2007, **GERHARD** purchased another Ruger rifle from the firearms dealer in Alstead, New Hampshire.

In violation of Title 18, United States Code, Section 372.

THE GRAND JURY FURTHER CHARGES:

COUNT TWO

**(Conspiracy to Commit an Offense Against the United States
18 U.S.C. §371)**

11. The allegations of paragraphs 1 through 5 and 8 through 10 of this Indictment are re-alleged and incorporated as if set forth in full herein.

12. From in and around January 2007, through in and around August 2007, in the District of New Hampshire and elsewhere, the defendant,

JASON GERHARD,

knowingly and willfully conspired and agreed with other individuals, both known and unknown to the grand jury, to commit the following offenses against the United States:

a. forcibly to resist, oppose, impede, intimidate and interfere with federal law enforcement officers while the officers were engaged in the performance of their official duties, to wit: attempting to arrest Edward and Elaine Brown, in violation of Title 18, United States Code, Sections 371 and 111(a)(1); and

b. knowing that offenses against the United States had been committed by Edward and Elaine Brown, received, relieved, comforted and assisted Edward and Elaine Brown in order to hinder and prevent their apprehension and punishment, in violation of Title 18, United States Code,

Sections 371 and 3.

In violation of Title 18, United States Code, Sections 371,
111(a)(1) and 3.

THE GRAND JURY FURTHER CHARGES

COUNT THREE
(Accessory After the Fact
18 U.S.C. §3)

13. The allegations of paragraphs 1 through 5 and 8 through 10 of this Indictment are re-alleged and incorporated as if set for in full herein.

14. From in and around January 2007, through in and around July 2007, in the District of New Hampshire and elsewhere, the defendant,

JASON GERHARD,

knowing that offenses against the United States had been committed by Edward and Elaine Brown, received, relieved, comforted and assisted the Browns in order to hinder and prevent their apprehension and punishment.

In violation of Title 18, United States Code, Section 3.

THE GRAND JURY FURTHER CHARGES:

COUNT FOUR
(Possession of a Firearm in Furtherance
of a Crime of Violence
18 U.S.C. § 924 (c)(1)(A)(i))

15. On or about January 21, 2007, in the District of New Hampshire, defendant,

JASON GERHARD,

knowingly, intentionally and unlawfully carried and possessed a firearm during and in relation to a crime of violence, to wit, the conspiracy to forcibly resist, oppose, impede, intimidate and interfere with federal law enforcement officers while the officers were engaged in the performance of their official duties, attempting to arrest Edward and Elaine Brown, in violation of Title 18, United States Code, Sections 371 and 111(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

THE GRAND JURY FURTHER CHARGES:

COUNT FIVE
(Possession of a Firearm in Furtherance
of a Crime of Violence)
18 U.S.C. § 924 (c)(1)(A)(i))

16. On or about April 2, 2007, in the District of New Hampshire, defendant,

JASON GERHARD,

knowingly, intentionally and unlawfully carried and possessed a firearm during and in relation to a crime of violence, to wit, the conspiracy to forcibly resist, oppose, impede, intimidate and interfere with federal law enforcement officers while the officers were engaged in the performance of their official duties, attempting to arrest Edward and Elaine Brown, in violation of Title 18, United States Code, Sections 371 and 111(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

THE GRAND JURY FURTHER CHARGES:

COUNT SIX
(Possession of a Firearm in Furtherance
of a Crime of Violence
18 U.S.C. § 924 (c)(1)(A)(i))

17. On or about July 20, 2007, in the District of New Hampshire, defendant,

JASON GERHARD,

knowingly, intentionally and unlawfully carried and possessed a firearm during and in relation to a crime of violence, to wit, the conspiracy to forcibly resist, oppose, impede, intimidate and interfere with federal law enforcement officers while the officers were engaged in the performance of their official duties, attempting to arrest Edward and Elaine Brown, in violation of Title 18, United States Code, Sections 371 and 111(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

THE GRAND JURY FURTHER CHARGES:

COUNT SEVEN
(Possession of a Firearm in Furtherance
of a Crime of Violence
18 U.S.C. § 924 (c)(1)(A)(i))

18. On or about July 25, 2007, in the District of New Hampshire, defendant,

JASON GERHARD,

knowingly, intentionally and unlawfully carried and possessed a firearm during and in relation to a crime of violence, to wit, the conspiracy to forcibly resist, oppose, impede, intimidate and interfere with federal law enforcement officers while the officers were engaged in the performance of their official duties, attempting to arrest Edward and Elaine Brown, in violation of Title 18, United States Code, Sections 371 and 111(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

THE GRAND JURY FURTHER CHARGES:

COUNT EIGHT
(Possession of a Firearm in Furtherance
of a Crime of Violence
18 U.S.C. § 924 (c)(1)(A)(i))

19. On or about July 31, 2007, in the District of New Hampshire, defendant,

JASON GERHARD,

knowingly, intentionally and unlawfully carried and possessed a firearm during and in relation to a crime of violence, to wit, the conspiracy to forcibly resist, oppose, impede, intimidate and interfere with federal law enforcement officers while the officers were engaged in the performance of their official duties, attempting to arrest Edward and Elaine Brown, in violation of Title 18, United States Code, Sections 371 and 111(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

Dated: August 8, 2007

A TRUE BILL

/s/ Foreperson

Foreperson of the Grand Jury

Thomas P. Colantuono
United States Attorney

By: /s/ Robert M. Kinsella
Robert M. Kinsella
Assistant United States Attorney

/s/ Arnold H. Huftalen
Arnold H. Huftalen
Assistant United States Attorney